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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,256	03/09/2001	Victor S. Moore	6169-181	7052

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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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12/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/803,256

Applicant(s)

MOORE ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination, filed on 10.5.2007. Claims 1, 9, 10, 12, 18, and 30 are amended. Claims 1-23 and 25-30 are presented for examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10.5.2007 has been entered.

Response to Arguments

4> Applicant's arguments with respect to claims 1-23 and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Only those claims that have been amended are formally addressed in this action. For those claims not formally addressed in this action, they remain rejected as set forth in previous actions. Thus, the text of the rejections for those claims can be found in previous actions, see non-final rejection filed on 2.28.2007.

6> Claims 1, 3-7, 11, 12, 15-18, 20-23, 25 and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski, U.S Patent No. 6.813.608, in view of Borgstahl et al, U.S Patent No. 6.487.180 ["Borgstahl"], in further view of Gershman et al, U.S Patent No. 6.356.905 ["Gershman"].

7> As to claim 1, Baranowski discloses a method for providing kiosk service offerings comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with wireless communication capabilities for communicating with a wireless personal area network (PAN), wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link with an existing communications network [Figure 1 «items 122, 125, 127, 128, 130» | column 5 «lines 6-9» | column 8 «lines 6-26» where : the POS equipment and controller together correspond to a "kiosk"];

configuring said kiosk for providing electronic services including data and applications over wireless communications links to wireless devices in said wireless PAN [column 2 «lines 7-14» | column 6 «lines 58-64» | column 8 «lines 27-50» : downloading of email is analogous to providing electronic services];

maintaining a list of available electronic services, wherein a portion of the available electronic services are stored locally within the kiosk [column 8 «lines 28-35» | column 12 «line 64» to column 13 «line 7» where : Baranowski discloses providing services, maps and other applications at the POS-equipment/controller] and wherein a different portion of the available electronic services are retrievable by the kiosk from servers of the existing communications network via the physical communications link [Figure 1 «items 125, 120, 122» | column 14 «lines 16-29» | column 17 «lines 57-64» where : different services are available through the kiosk accessing the web host]

establishing a wireless communications link with a wireless device in said network [column 2 «lines 38-45»];

receiving at the kiosk a request for at least one of the available electronic services, the request being received from the wireless device [column 13 «lines 25-39» : requesting subscription | column 14 «lines 42-52» : emails];

retrieving the requested at least one of the available electronic services [column 8 «lines 28-35» | column 14 «lines 42-52» : emails]; and

delivering said requested at least one of the available electronic services to said wireless device in said network over said wireless communications link [column 8 «lines 28-35» | column 12 «line 64» to column 13 «line 7» | column 14 «lines 42-52»].

Baranowski does not explicitly disclose that the wireless devices operate over a personal area network (PAN). Nor does Baranowski disclose generating a subscriber-specific list of available services by selecting among all available services wherein the selection is based on one of a subscriber prioritization, a predetermined value, advertising revenues, and communication resources of the device.

As to the subscriber-specific services, such a feature was well known in the art at the time of Applicant's invention. In the same field of invention, Gershman is directed to a system for facilitating information retrieval to a wireless devices [abstract]. Gershman discloses a system similar to Baranowski whereby a handheld device connects to the internet through a mobile portal where the portal retrieves and transfers information to the handheld [see Gershman, Figure 27B]. Specifically, Gershman discloses:

- a. that in response to a subscriber query received from the handheld, generating a subscriber-specific list of available services by selecting among the list of all available services, wherein the selection is based upon at least one of a subscriber prioritization and a predetermined value assigned to the subscriber [Figure 17 | Figure 27B | column 28 «lines 43-47» | column 29 «lines 18-25 and 52-53» | column 30 «lines 30-39» | column 51 «lines 20-24» where : Gershman discloses generating a personalized web page composed of services (such as email, calendar) selected based on a user's profile (Gershman' discloses that user can set service preferences. Preferences read on claimed subscriber prioritization) and a user's identifier (reads on a "predetermined value")];

- b. conveying the subscriber-specific list to the wireless device for presentment to the subscriber [column 30 «lines 44-45»]; and
- c. receiving a request for the at least one of the available electronic services included in the subscriber-specific list [column 35 «lines 28-46» where : a user can select a service from the conveyed web page such as email, calendaring].

It would have been obvious to one of ordinary skill in the art to have modified Baranowski to include Gershman's personalized services delivery feature. Gershman discloses the ability to deliver personalized services within a web page to a mobile user (see "Invention Value Network" column 34 «line 27» | "meCommerce" column 35 «line 25» | "Mobile Portal Platform" column 51 «line 19»). One would have been motivated to modify Baranowski as Gershman teaches that the personalized services feature to provide targeted acquisition of information based on a user's profile.

As to the PAN, such a feature was well known in the art at the time of Applicant's invention. In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Baranowski to insure that connecting nodes (a wireless device and a POS equipment/controller for instance) have compatible protocols and can properly communicate with one another.

8> As to claims 12, 18, and 30, as they do not teach or further define over previously claimed limitations, they are rejected for at least the same reasons set forth for claim 1.

- 9> As to claims 3-7, 11, 15-17, 20-23, and 25, see non-final rejection, filed 2.28.2007.
- 10> Claims 2, 13, 14, 19 and 26-29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski, Borgstahl, and Gershman, in further view of Freeny, Jr., U.S Patent No. 6.490.443 ["Freeny"].
- 11> As to these claims, see non-final rejection, filed 2.28.2007.
- 12> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski, Borgstahl, and Gershman, in further view of Sutter, U.S Patent No. 6.577.720.
- 13> As to claim 8, see non-final rejection, filed 2.28.2007.
- 14> Claims 9 and 10 are rejected under 35 U.S.C §103(a) as being unpatentable over Baranowski, Borghstahl, and Gershman, in further view of Pittarelli, U.S Patent Publication No. 2003|0061271.
- 15> As to claim 9, Baranowski discloses the method of claim 8, further comprising:
presenting within the wireless device a plurality of applications [column 12 «line 64»
to column 13 «line 14»]; and

said kiosk receiving a user-selection of one of the presented applications [column 2 «lines 55-58» | column 9 «lines 39-48»].

Baranowski does not explicitly disclose determining if said user-selected applications wholly reside in said kiosk. And while Baranowski does disclose delivering said user-selected applications to said wireless device in said PAN he does not disclose the step of if it is determined that said user-selected applications wholly reside in said kiosk, not retrieving said user-selected applications over said existing physical communications link medium. However such features were well known in the art at the time of Applicant's invention. In the same field of invention [abstract], Pittarelli discloses:

determining if said user-selected applications wholly reside in said kiosk [0038]; and, if it is determined that said user-selected applications wholly reside in said kiosk, not retrieving said user-selected applications over said existing physical communications link medium [0038]. It would have been obvious to one of ordinary skill in the art to incorporate Pittarelli's kiosk storage capability into Baranowski's kiosk application delivery system. Specifically, one of ordinary skill in the art would have reasonably inferred that first checking the cache of the kiosk for selected applications before requesting the application from a remote server would have substantially improved Baranowski's kiosk services because it would have reduced unnecessarily connecting to the network to retrieve applications. One would have further expected success based on Baranowski's use of both the fixed position kiosk and the web host.

16> As to claim 10, Baranowski, as modified by Borghstahl and Gershman, discloses the method of claim 9, further comprising;

retrieving components not residing in said kiosk over said existing physical communications link medium [column 14 «lines 43-52»].

Baranowski is silent to determining in the components of said applications reside in said kiosk; and delivering said components determined to reside in said kiosk. However, such features were well known in the art at the time of Applicant's invention. In the same field of invention, Pittarelli discloses determining if the components of said applications reside in said kiosk [Figure 7 | 0038]; and delivering said components determined to reside in said kiosk [Figure 7 | 0038]. As specified in the rejection of claim 9, it would have been obvious to incorporate application caching functionality into Baranowski's kiosk as taught by Pittarelli. It would have been further obvious to one of ordinary skill in the art to determine if the application is already stored in the kiosk, and if it is to deliver the selected application from the kiosk, without needing to download it from the server. Such functionality would reduce the airtime charges of having the kiosk connect to a remote server.

17> Claims 1-7, 12-15, 17, 18, 20-23, 25, 26 and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kolls, U.S Patent No. 6.601.040, in view of Borgstahl et al, U.S Patent No. 6.487.180 ["Borgstahl"], in further view of Pittarelli, in further view of Peters, U.S Patent no. 6.337.981.

18> As to claim 1, Kolls discloses a method for providing kiosk service offerings

comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless communication capabilities for communicating with a personal area network (PAN), wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link with an existing communications network [Figure 3E | Figure 4 | column 9 «lines 28-36»];

configuring said kiosk for providing electronic services including data and applications over wireless communications links to wireless devices in said wireless PAN [Figure 3E | Figure 4 | column 9 «lines 37-52»];

establishing a wireless communications link with a wireless device in said network [column 9 «line 64» to column 10 «line 11» | column 49 «lines 37-53»];

receiving at the kiosk a request for at least one of the available electronic services, the request being received from the wireless device [column 2 «lines 47-52» | column 18 «lines 15-39» | claims 1, 2, 18];

retrieving the requested at least one of the available electronic services [column 3 «lines 56-67» : emails | column 4 «lines 15-21» | column 5 «lines 48-55» : “effectuates the delivery...of the service” | column 7 «lines 31-36» |]; and

delivering said requested at least one of the available electronic services to said wireless device in said network over said wireless communications link column 4 «lines 15-

21» | column 5 «lines 48-55» : “effectuates the delivery...of the service” | column 7 «lines 31-36»].

Kolls discloses maintaining a list of available electronic services provided by the kiosk and that a portion of the available electronic services are stored locally within the kiosk [column 3 «lines 56-67» : emails | column 6 «lines 38-40»], but does not disclose that a different portion of the available electronic services are retrievable by the kiosk from servers of the existing communications network via the physical communications link.

Kolls also does not explicitly disclose that the wireless devices operate over a personal area network (PAN). Nor does Kolls disclose generating a subscriber-specific list of available services by selecting among all available services wherein the selection is based on one of a subscriber prioritization, a predetermined value, advertising revenues, and communication resources of the device.

As to the subscriber-specific list of available services, such as feature was well known in the art at the time of Applicant’s invention. Peters is directed towards a method for providing a list of services to a mobile terminal based on a user's profile and terminal capabilities [column 2 «lines 19-32»]. Specifically, Peters discloses:

- a. that in response to a subscriber query received from the handheld, generating a subscriber-specific list of available services by selecting among the list of all available services, wherein the selection is based upon at least one of a predetermined value assigned to the subscriber [column 1 «lines 35-63» where : a user is assigned a unique personal identification which reads on Applicant’s claimed “predetermined value” |

column 2 «lines 33-43» | column 3 «lines 38-61» : providing a list of services or even a broader list of services based on the user's identifier and profile information];

b. conveying the subscriber-specific list to the wireless device for presentment to the subscriber [column 2 «lines 33-42»]; and

c. receiving a request for the at least one of the available electronic services included in the subscriber-specific list [column 2 «lines 65-67»].

It would have been obvious to one of ordinary skill in the art to have modified Baranowski to include Peters' personalized services delivery feature. Peters discloses one advantage of such a feature is the ability to services customized to a user's location (determined from the user's predetermined identifier). Thus, one would have been motivated to modify Baranowski to include the ability to deliver personalized services for the benefit described above.

As to the PAN, such a feature was well known in the art at the time of Applicant's invention. In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Kolls to insure that connecting nodes (a wireless device and a pay phone for instance) have compatible protocols and can properly communicate with one another.

As to the retrieving of available electronic services, Pittarelli discloses that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available electronic services are retrievable by the kiosk from servers of the existing

communications network via the physical communications link [Figure 7 «items 126, 128, 32» | 0036, 0037, 0038]. It would have been obvious to modify Kolls' kiosk with the "cache" functionality provided by Pittarelli. Such an implementation is well known in the art so that requested services can be delivered more quickly to users when they are already located on the kiosk.

19> As to claims 12, 18, and 30, as they do not teach or further define over previously claimed limitations, they are rejected for at least the same reasons set forth for claim 1.

20> As to claims 2-7, 13-15, 17, 20-23, 25, and 26, see previous non-final rejection, filed 2.28.2007.

21> Claim 12 is rejected under 35 U.S.C §103(a) as being unpatentable over Kolls, Borgstahl, Pittarelli, and Peters, in further view of Kolls, U.S Patent No. 6.601.039 ["Kolls(2)"].

22> As to claim 12, see previous non-final rejection, filed 2.28.2007.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Enzmann et al, U.S Patent No. 6.320.946;

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Atkinson, U.S Patent Publication No. 2001|0053996;

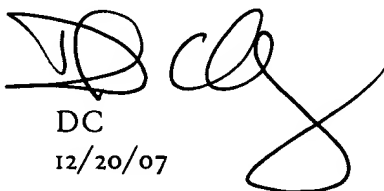
Nieminen et al, U.S Patent No. 6.578.075;

Terranova, U.S Patent No. 6.704.774.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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12/20/07